

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

COREY ALAN BENNETT (#509793), )  
   ) )  
Plaintiff,                         ) )  
   ) )  
v.                                    ) No. 3:15-cv-00834  
   ) Senior Judge Haynes  
BRUCE WESTBROOKS, et al.,       ) )  
   ) )  
Defendants.                        ) )

**O R D E R**

Plaintiff Corey Alan Bennett, an inmate at Riverbend Maximum Security Institution in Nashville, Tennessee, filed this *pro se* action under 42 U.S.C. § 1983. (Docket Entry No. 1). Plaintiff also submitted his application to proceed *in forma pauperis* (IFP). (Docket Entry No. 2).

In accordance with the Memorandum filed herewith, pursuant to 28 U.S.C. § 1915(g) Plaintiff is not entitled to proceed without prepayment of the filing fee. Thus, Plaintiff's application to proceed as a pauper (Docket Entry No. 2) is **DENIED**.

Pursuant to *In re Alea*, 286 F.3d 378, 381 (6th Cir. 2002), the entire \$400 fee is hereby **ASSESSED**, as follows: the custodian of Plaintiff's inmate trust fund account at the institution where he now resides is **DIRECTED** to submit to the Clerk of Court, as an initial payment, the greater of: (a) 20% of the average monthly deposits to Plaintiff's inmate trust account; or (b) 20% of the average monthly balance in Plaintiff's inmate trust fund account for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1). Thereafter, the trust fund officer must withdraw from Plaintiff's account and pay to the Clerk of this Court monthly payments equal to 20% of all deposits credited to Plaintiff's account during the preceding month,

but only when the amount in the account exceeds \$10. Such payments must continue until the entire \$400 filing fee is paid in full. 28 U.S.C. § 1915(b)(2). All submissions to the Court must clearly identify Plaintiff's name and the case number as indicated on the first page of this Order, and must be mailed to: Clerk, United States District Court, Middle District of Tennessee, 801 Broadway, Nashville, TN 37203.

The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the Riverbend Maximum Security Institution to ensure that the custodian of Plaintiff's inmate trust account complies with that portion of 28 U.S.C. § 1915 pertaining to the payment of the filing fee. If Plaintiff is transferred from his present place of confinement, the custodian of his inmate trust fund account **MUST** ensure that a copy of this Order follows Plaintiff to his new place of confinement.

Plaintiff's motion (Docket Entry No. 3) for appointment of counsel is **DENIED** as moot.

This is the Final Order in this action and any appeal from this Order would not be in good faith as required by 28 U.S.C. § 1915(a)(3).

It is so **ORDERED**.

ENTERED this the 31<sup>st</sup> day of August, 2015.



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WILLIAM J. HAYNES, JR.  
Senior United States District Judge